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Commissioner

Arizona Corporation Commission
DOCKETED

MARC SPITZER
Commissioner

NOV 21 2001

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF)
WESTERN CLEC CORPORATION, FORMERLY)
ECLIPSE COMMUNICATIONS CORPORATION,)
FOR A CERTIFICATE OF CONVENIENCE AND)
NECESSITY TO PROVIDE FACILITIES-BASED)
AND RESOLD TELECOMMUNICATIONS)
SERVICES AND PETITION FOR COMPETITIVE)
CLASSIFICATION OF PROPOSED SERVICES)

DOCKET NO. T-03590A-98-0364

REQUEST FOR EXTENSION OF
TIME TO FILE PROOF OF
PERFORMANCE BOND

On May 4, 2001, the Arizona Corporation Commission issued Decision No. 63657 granting a Certificate of Convenience and Necessity ("CC&N") to Western CLEC Corporation, a wholly-owned subsidiary of Western Wireless ("Western CLEC" or the "Company"), to provide competitive facilities-based and resold telecommunications services in Arizona. In that decision, Western CLEC was ordered to comply with certain Staff recommendations as set forth in Findings of Fact Nos. 19 and 20. On June 4, 2001, Western CLEC docketed its compliance filing fulfilling certain items contained in the Findings of Fact. However, Western CLEC did not submit proof of a performance bond in the amount of \$100,000 as required in Finding of Fact 19(r)(4), and in fact, the Company has not obtained a performance bond. On November 5, 2001, the Commission's Compliance and Enforcement Manager issued a letter stating that Western CLEC could request an extension of the time for complying with the performance bond requirement. Accordingly, Western CLEC requests an

Snell & Wilmer

L.L.P.
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000

1 extension of the time for filing its proof of a performance bond until the earlier of: (i) 30 days
2 prior to the date the Company begins providing telecommunications service in Arizona; or (ii)
3 30 months from the date of the Commission's order authorizing the requested extension. This
4 request is supported by the following statement of facts.

5 **Statement of Facts**

6 During the past two years, the telecommunications industry has experienced
7 unprecedented financial challenges and turmoil. Many competitive providers have filed for
8 bankruptcy, and all competitive providers have been forced to revise their business plans and
9 targeted markets. When Western CLEC filed its application for a CC&N on July 2, 1998, the
10 Company was preparing to enter the Arizona market. However, by the time Decision No.
11 63657 was issued nearly three years later, the telecommunications market had changed
12 dramatically, and Western CLEC had revised its business plans and delayed its targeted entry
13 date into the Arizona market. Although Western CLEC has the financial strength to weather
14 the current market conditions, the Company is entering markets in a prudent and deliberative
15 way.

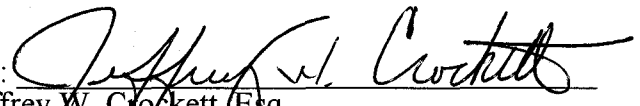
16 Western CLEC still intends to compete in Arizona, and the Company anticipates entry
17 in the market within 30 months. However, the payment of premiums associated with the
18 \$100,000 performance bond prior to the entry of Western CLEC into the Arizona market is not
19 an efficient use of the Company's resources. Recognizing this fact, Western CLEC filed
20 exceptions to the hearing officer's recommended opinion and order in this docket, and
21 requested that the time for filing proof of the performance bond be extended to 90 days prior to
22 the date the Company begins providing service. However, this proposal was not adopted by
23 the Commission.

24 Western CLEC has gone to great expense and effort to obtain a CC&N, and the
25 Company would like to avoid the additional expense and time of reapplying for a CC&N at a
26 later date. Accordingly, Western CLEC respectfully requests that the Commission grant an

extension of the time for filing the Company's proof of performance bond until the earlier of:
(i) 30 days prior to the date the Company begins providing telecommunications service in
Arizona; or (ii) 30 months from the date of the Commission's order authorizing the requested
extension. If requested to do so, Western CLEC will provide periodic updates to the
Commission's Utilities Division Staff regarding the Company's planned entry into the Arizona
market.

RESPECTFULLY SUBMITTED this 21st day of November, 2001.

SNELL & WILMER

By: 
Jeffrey W. Crockett, Esq.
SNELL & WILMER
One Arizona Center
Phoenix, Arizona 85004-2202
Attorneys for Western CLEC Corporation

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Timothy Berg
FENNEMORE CRAIG
3003 North Central Avenue
Suite 2600
Phoenix, Arizona 85012

Patrick C. Williams, Manager
Compliance and Enforcement
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

1 Christopher C. Kempley
2 Chief Counsel, Legal Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

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7 Crockej\PHX\1099782.1